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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Firs Home Owners Association,

Plaintiff,

v.

City of SeaTac, a Municipal Corporation,

Defendant.

NO. 2:19-cv-01130

DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT

Defendant City of SeaTac ("defendant") responds to plaintiff's first amended complaint ("FAC") as follows:

Answering the introductory paragraph of the FAC, defendant is without information or knowledge to form a belief as whether "almost all" members of the Firs Home Owners Association "are Latino or Hispanic," and therefore denies the same. Defendant denies each and every other allegation of the introductory paragraph of the FAC.

DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 1

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**I. Parties**

1.1. Answering paragraph 1.1 of the complaint, defendant admits the same.

1.2. Answering paragraph 1.2 of the complaint, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Answering footnote no. 1 to paragraph 1.2 of the complaint, defendant admits only to the existence of legal authority, including *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), which speaks for itself, and denies each and every other allegation of said footnote.

1.3. Answering paragraph 1.3 of the complaint, defendant admits the same.

**II. Jurisdiction and Venue**

2.1. Answering paragraph 2.1 of the FAC, defendant admits the same.

**III. Facts**

3.1. Answering paragraph 3.1 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.2 Answering paragraph 3.2 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.3 Answering paragraph 3.3 of the FAC, defendant admits only that defendant is among King County's most diverse cities. In answer to demographic data referenced in paragraph 3.3 of the complaint, defendant admits to the existence of a 2012 presentation regarding "South King County's Changing Demographics," which speaks for itself as to content, and is without information or knowledge sufficient to form a belief as to the accuracy of said data, and therefore denies the same.

3.4 Answering paragraph 3.4 of the FAC, defendant admits only to the existence of the City of SeaTac Comprehensive Plan Land Use Background Report, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.5 Answering paragraph 3.5 of the FAC, defendant admits only to the existence of the 2013-2017 American Community Survey 5-Year Estimate, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.6 Answering paragraph 3.6 of the FAC, defendant admits only that Spanish is the primary language spoken by some adult heads of households located within the Firs Mobile Home Park. Defendant is without information or knowledge sufficient to form a belief as to the truth of each and every other allegation of said paragraph, including footnote no. 2 to said paragraph, and therefore denies the same.

3.7 Answering paragraph 3.7 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.8 Answering paragraph 3.8 of the FAC, defendant admits that it is a signatory to an Interlocal Cooperation Agreement Regarding the Community Development Block Grant Program covering the 2015, 2016 and 2017 federal fiscal years, which speaks for itself as to content, and that said interlocal agreement is ongoing, and denies each and every other allegation of said paragraph.

3.9 Answering the first sentence of paragraph 3.9 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the existence of a King County Housing and Community Development

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3 Program, and therefore denies the same. Defendant admits to the existence of  
4 a King County Consortium Consolidated Housing and Community  
5 Development Plan, which speaks for itself as to content. Answering the rest of  
6 paragraph 3.9 of the FAC, the interlocal agreement described in answer to  
7 paragraph 3.8 of the FAC speaks for itself as to content. Defendant denies  
8 each and every other allegation of said paragraph.  
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11 3.10 Answering the first sentence of paragraph 3.10 of the FAC,  
12 defendants admits only that defendant adopted amendments to its  
13 comprehensive plan in June, 2015, that the Comprehensive Plan as amended in  
14 June, 2015 speaks for itself as to content, and to the existence of Washington's  
15 Growth Management Act, Wash. Rev. Code Chapter 36.70A, which also  
16 speaks for itself as to content. Defendant denies each and every other  
17 allegation of said paragraph.  
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21 3.11 Answering paragraph 3.11 of the FAC, defendant admits only to  
22 the existence of the 2015-2019 Consolidated Plan of the King County  
23 Consortium, which speaks for itself as to content, and denies each and every  
24 other allegation of said paragraph.  
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3.12 Answering paragraph 3.12 of the FAC, defendant is without information or knowledge sufficient to form belief as to the truth of said allegations, and therefore denies the same.

3.13 Answering paragraph 3.13 of the FAC, defendant admits only to the existence of the City of SeaTac 2015/16 biennial budget, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.14 Answering paragraph 3.14 of the FAC, defendant admits only to locating records suggesting said allegations to be accurate. Defendant cannot independently confirm the accuracy of these records, or the truth of the allegations set forth in paragraph 3.14 of the FAC, and therefore denies the same.

3.15 Answering paragraph 3.15 of the FAC, defendant admits only that the SeaTac City Council appointed James Payne as Interim City Manager on January 19, 2016, and denies each and every other allegation of said paragraph.

3.16 Answering the first sentence of paragraph 3.16 of the FAC, defendant admits only that Washington State Representative Matt Shea was invited to make a presentation to the SeaTac City Council, which presentation

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3 spoke for itself as to content, and that Riverton Heights Park is located near the  
4 Islamic Center of Seattle. Defendant is without information or knowledge  
5 sufficient to form a belief as to who invited Representative Shea, and therefore  
6 denies the allegation that Representative Shea was invited by then-Mayor Rick  
7 Forschler. Defendant is without information or knowledge sufficient to form a  
8 belief as to the truth of the allegation that Washington State Representative  
9 Matt Shea is controversial, and therefore denies the same. Defendant denies  
10 each and every other allegation of said sentence. Answering the second and  
11 third sentences of paragraph 3.16 of the FAC, and footnote 3 of paragraph 3.16  
12 of the FAC, defendant admits only to the existence of an August 26, 2019,  
13 newspaper article in the Inlander, which speaks for itself as to content, and  
14 denies each and every other allegation of said sentences and footnote.  
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20 3.17 Answering the first sentence of paragraph 3.17 of the FAC,  
21 defendant admits only that City Manager James Payne resigned on or about  
22 April 6, 2016, and to the existence of a report from an outside investigator,  
23 Michael Griffin, which speaks for itself as to content. Defendant denies each  
24 and every other allegation of said sentence. Answering each and every other  
25 allegation set forth in paragraph 3.17 of the FAC, the investigator's report  
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29 DEFENDANT'S ANSWER AND  
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3 speaks for itself as to content and no response is required. To the extent a  
4  
5 response is required, defendant denies each and every other allegation of the  
6 second, third and fourth sentences of paragraph 3.17 of the FAC.

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8 3.18 Answering paragraph 3.18 of the FAC, defendant admits the  
9 same.

10 3.19 Answering paragraph 3.19 of the FAC, defendant admits only to  
11 locating records suggesting said allegations to be accurate. Defendant cannot  
12 independently confirm the accuracy of these records, or the truth of the  
13 allegations set forth in paragraph 3.19 of the FAC, and therefore denies the  
14 same.  
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17 3.20 Answering paragraph 3.20 of the complaint, defendant is without  
18 information or knowledge sufficient to form a belief as to the truth of said  
19 allegations and therefore denies the same.  
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21 3.21 Answering the first and second sentences of paragraph 3.21 of the  
22 FAC, defendant is without information or knowledge sufficient to form a belief  
23 as to the truth of the allegations set forth therein, and therefore denies the same.  
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25 Answering the third sentence of paragraph 3.21 of the FAC, defendant denies  
26 the same.  
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3 3.22 Answering the first, third and fourth sentences of paragraph 3.22  
4 of the FAC, defendant admits only to the existence of SeaTac Municipal Code  
5 (SMC) § 15.465.600.H, which speaks for itself as to content, and denies each  
6 and every other allegation of said sentences. Answering the second sentence of  
7 paragraph 3.22 of the FAC, said sentence makes erroneous statements of law,  
8 to which- no response is required. To the extent a response is required,  
9 defendant denies the same. Answering the fifth sentence of paragraph 3.22 of  
10 the FAC, defendant admits the same.  
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14 3.23 Answering paragraph 3.22 of the FAC, defendant denies the same.  
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16 3.24 Answering paragraph 3.24 of the FAC, defendant cannot  
17 determine what the plaintiff means by "throughout the relocation process,"  
18 which defendant understands to be ongoing, and therefore denies the same.  
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20 3.25 Answering paragraph 3.25 of the FAC, defendant admits only to  
21 the existence of SMC § 15.465.600.H, which speaks for itself as to content, and  
22 denies each and every other allegation of said paragraph.  
23

24 3.26 Answering the first and second sentence of paragraph 3.26 of the  
25 FAC, defendant admits only that the landlord sent letters in English to residents  
26 of the Firs Mobile Home Park inviting them to a meeting on July 11, 2016, at a  
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3 private hotel, regarding the proposed closure of the mobile home park.

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5 Defendant denies each and every other allegation of said sentences. Answering  
6 the third sentence of paragraph 3.26 of the FAC, defendant admits only that  
7 Steve Pilcher attended the meeting and denies each and every other allegation  
8 of said sentence. Answering the fourth, fifth and sixth sentence of paragraph  
9 3.26 of the FAC, defendant is without information or knowledge sufficient to  
10 form a belief as to the truth of said allegations, and therefore denies the same.  
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13 3.27 Answering paragraph 3.27 of the complaint, defendant admits  
14 only to a judgment entered against it by Judge Richard McDermott in *K & S*  
15 *Developments, LLC v. City of SeaTac*, King County Superior Court Cause No.  
16 12-2-40564-6, which speaks for itself as to content, and that Jeffrey Robinson  
17 was named as a defendant. The defendant denies the plaintiff's  
18 characterization of the facts and ruling in that lawsuit, and further denies each  
19 and every other allegation of said paragraph.  
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21

22 3.28 Answering the first sentence of paragraph 3.28 of the FAC,  
23 defendant admits issuing a State Environmental Policy Act (SEPA) threshold  
24 determination of non-significance on July 22, 2016, which speaks for itself as  
25 to content, and denies each and every other allegation of said sentence.  
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3 Answering the second sentence of paragraph 3.28 of the FAC, defendant  
4  
5 denies that it "failed" to provide SEPA related materials in Spanish and further  
6 denies that it had any obligation or duty to do so.

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8 3.29 Answering paragraph 3.29 of the FAC, defendant admits the  
9 same.

10 3.30 Answering 3.30 of the FAC, defendant admits only that the Angle  
11  
12 Lake Light Rail Station opened in September 2016 and that the station is less  
13 than one mile from the Firs Mobile Home Park. Defendant denies each and  
14 every other allegation of said paragraph.

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16 3.31 Answering the first sentence of paragraph 3.31 of the FAC,  
17 defendant admits the same. Answering the second, third and fourth sentences  
18 of paragraph 3.31 of the FAC, defendant denies the same. Answering the fifth  
19 sentence of paragraph 3.31 of the FAC, defendant admits the same. Answering  
20 the sixth sentence of paragraph 3.31 of the complaint, defendant admits the  
21 same.  
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24 3.32 Answering paragraph 3.32 of the FAC, defendant admits the  
25 same.  
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29 DEFENDANT'S ANSWER AND  
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3.33 Answering the first and third sentences of paragraph 3.33 of the FAC, defendant admits the same. Answering the second sentence of paragraph 3.33 of the FAC, defendant denies that it "failed" to provide the relocation approval letter in Spanish, denies that it "failed" to provide residents with information in Spanish about their appeal rights, and further denies that it had any obligation or duty to do either.

3.34 Answering paragraph 3.34 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

3.35 Answering paragraph 3.35 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of the allegations set forth therein, and therefore denies the same.

3.36 Answering the first sentence of paragraph 3.36 of the FAC, defendant admits only that individuals who purported to be residents of the First Mobile Home Park spoke at the regular council meeting of October 25, 2016, that their comments speak for themselves. Defendants are without information or knowledge sufficient to form a belief as to whether these individuals were "HOA members," and therefore denies the same. Defendant denies each and

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3 every other allegation of said sentence. Answering the second sentence of  
4 paragraph 3.36 of the FAC, defendant denies that it "refused" to extend the  
5 appeal deadline, and is without information or knowledge sufficient to form a  
6 belief as to whether "many" of the families did or did not receive notice of the  
7 approval of the relocation plan until on or about October 25, 2016, and  
8 therefore denies the same. Defendant denies each and every other allegation of  
9 said sentence.  
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13 3.37 Answering the first sentence of paragraph 3.37 of the FAC,  
14 defendant admits only that members of the SeaTac City Council spoke at the  
15 October 25, 2016, regular council meeting and is without information or  
16 knowledge sufficient to form a belief as to whether residents of the Firs  
17 considered their comments to be hostile or discriminatory, and therefore denies  
18 the same. Answering the second sentence of paragraph 3.37 of the FAC,  
19 defendant denies that it "failed" to provide Spanish-language interpreters at the  
20 October 25, 2016, regular council meeting, and further denies that it had any  
21 obligation or duty to do so. Defendant is without information or knowledge  
22 sufficient to form a belief as to the truth of the allegation that this City Council  
23 Meeting was attended by "Firs MHP residents," and therefore denies the same.  
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3 Answering the third sentence of paragraph 3.37 of the FAC, the official  
4 minutes of the October 25, 2016, SeaTac City Council meeting speak for  
5 themselves, and no response is required. To the extent a response is required,  
6 defendant denies the same.  
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9 3.38 Answering paragraph 3.38 of the FAC, statements by then-Acting  
10 City Manager Jose Scorcio at the October 25, 2016, regular meeting of the  
11 SeaTac City Council speak for themselves, and no response is therefore  
12 required. To the extent a response is required, defendant denies plaintiff's  
13 characterization of Mr. Scorcio's comments.  
14  
15

16 3.39 Answering paragraph 3.39 of the FAC, statements by then-  
17 Councilmember Kathryn Campbell and then-Acting City Manager Jose Scorcio  
18 at the October 25, 2016, regular meeting of the SeaTac City Council speak for  
19 themselves, and no response is therefore required. To the extent a response is  
20 required, defendant denies the same.  
21  
22

23 3.40 Answering paragraph 3.40 of the FAC, statements by  
24 Councilmember Tony Anderson at the October 25, 2016, regular meeting of  
25 the SeaTac City Council speak for themselves, and no response is therefore  
26 required. To the extent a response is required, defendant denies the same.  
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3 Answering footnote 4 to paragraph 3.40 of the FAC, said footnote is not  
4 directed at defendant and not response is required. To the extent a response is  
5 required, defendant is without information or knowledge sufficient to form a  
6 belief as to the truth of said allegations, and therefore denies the same.  
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8

9 3.41 Answering the first sentence of paragraph 3.41 of the FAC,  
10 defendant denies the same. Answering each and every other allegation of said  
11 paragraph, statements by members of the SeaTac City Council at the October  
12 25, 2016, regular meeting of the SeaTac City Council speak for themselves as  
13 to content, and no response is required. To the extent a response is required,  
14 defendant admits only that former Mayor Sietkes resigned his seat and denies  
15 each and every other allegation of said sentences.  
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18 3.42 Answering paragraph 3.42 of the FAC, defendant admits only to  
19 the existence of email correspondence from Joseph Scorcio to Monica  
20 Mendoza-Castrejon dated October 30, 2016, which speaks for itself, and denies  
21 each and every other allegation of said paragraph.  
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24 3.43 Answering paragraph 3.43 of the complaint, defendant denies the  
25 same. Defendant admits that Crisanto Medina (but not other individual  
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3 members of the HOA) timely appealed defendant's approval of the relocation  
4 plan.  
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6 3.44 Answering paragraph 3.44 of the FAC, defendant denies the same.

7 3.45 Answering paragraph 3.45 of the FAC, defendant admits only that  
8  
9 members of the public spoke at the SeaTac City Council meeting on November  
10 22, 2016, and that said comments speak for themselves. Defendant denies each  
11 and every other allegation of said paragraph.  
12

13 3.46 Answering the first sentences of paragraph 3.46 of the FAC,  
14 defendant admits the same. Answering the second sentence of paragraph 3.46  
15 of the FAC, defendant admits that King County awarded an additional  
16 \$338,400 in CDBG funds and denies each and every other allegation of said  
17 sentence. Answering the third sentences of paragraph 3.46 of the FAC,  
18 defendant admits the same.  
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21 3.47 Answering paragraph 3.47 of the FAC, defendant is without  
22 information or knowledge sufficient to form belief as to the truth of said  
23 allegations, and therefore denies the same.  
24

25 3.48 Answering the first and second sentence of paragraph 3.48 of the  
26 FAC, defendant admits the same. Answering the third and fourth sentences of  
27  
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29 DEFENDANT'S ANSWER AND  
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3 paragraph 3.48 of the FAC, defendant admits only that members of the public  
4  
5 and also Steve Pilcher spoke at the public hearing on January 19, 2017, the  
6  
7 comments and testimony of whom speaks for themselves. Defendant is  
8  
9 without information or knowledge sufficient to form a belief as to whether any  
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11 people who spoke at the hearing were "HOA members," and therefore denies  
12  
13 the same. Defendant denies each and every other allegation of said paragraph.

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15 3.49 Answering paragraph in 3.49 of the FAC, defendant admits only  
16  
17 to the existence of briefing filed by the City of SeaTac with the hearing  
18  
19 examiner, which speaks for itself as to content, and denies each and every other  
20  
21 allegation of said paragraph.

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23 3.50 Answering paragraph 3.50 of the FAC, defendant is without  
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25 information or knowledge sufficient to form a belief as to the truth of said  
26  
27 allegations, and therefore denies the same.

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29 3.51 Answering paragraph 3.51 of the FAC, defendant admits only to  
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the existence of the hearing examiner's report and decisions dated February 22,  
2017, which speaks for itself as to content, and denies each and every other  
allegation of said paragraph.

3.52 Answering paragraph 3.52 of the FAC, defendant admits the same.

3.53. Answering paragraph 3.52 of the FAC, defendant denies the same.

3.54 Answering paragraph 3.54 of the FAC, defendant denies the same.

3.55 Answering paragraph 3.55 of the FAC, defendant admits only to the existence of an order of King County Superior Court Judge Judith H. Ramseyer dated May 26, 2017, in King County Superior Court case number 17-2-07094 KNT, which speaks for itself as to content, and denies each and every other allegation of said paragraph.

3.56 Answering paragraph 3.56 of the FAC, defendant lacks information or knowledge sufficient to form a belief as to the existence of any oral or written order of the King County Superior Court on May 31, 2017, and therefore denies the same. To the extent such order may exist, the order speaks for itself as to content. Defendant denies each and every other allegation of said paragraph.

3.57 Answering paragraph 3.57 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.58 Answering paragraph 3.58 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.59 Answering paragraph 3.59 of the FAC, defendant is without information or knowledge sufficient to form belief as to the truth of said allegations, and therefore denies the same.

3.60 Answering paragraph 3.60 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.61 Answering paragraph 3.61 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.62 Answering paragraph 3.62 of the FAC, defendant denies the same.

3.63 Answering paragraph 3.63 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.64 Answering paragraph 3.64 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.65 Answering paragraph 3.65 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.66 Answering paragraph 3.66 of the FAC, defendant admits only that then-Mayor Siefkes spoke at the December 12, 2017, special meeting of the SeaTac City Council and that his comments speak for themselves. Defendant denies each and every other allegation of said paragraph.

3.67 Answering paragraph 3.67 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.68 Answering paragraph 3.68 of the FAC, defendant does not have a transcript of court proceedings on December 15, 2017, and lacks information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.69 Answering paragraph 3.69 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.70 Answering paragraph 3.70 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.71 Answering paragraph 3.71 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same.

3.72 Answering the first and second sentences of paragraph 3.72 of the FAC, defendant admits only to a Human Services Needs Assessment prepared for the City of SeaTac by Kone Consulting and released on or about January 9, 2018, which speaks for itself as to content. Defendant denies plaintiff's characterization of the report's "recommendations." Answering the third and fourth sentence of paragraph 3.72 of the FAC, defendant does not have a recording or transcript of the Special Administration and Finance Committee meeting on January 17, 2018, and is therefore without information or knowledge sufficient to form a belief as to the truth of said allegations, and

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3 therefore denies the same. Defendant admits the existence of minutes from  
4 that meeting, which speak for themselves as to content. Defendant denies each  
5 and every other allegation of said paragraph.  
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7         3.73 Answering paragraph 3.73 of the FAC, defendant admits only to a  
8 tweet from Mayor Erin Sitterly on or about January 19, 2018, which speaks for  
9 itself as to content, and denies each and every other allegation of said  
10 paragraph.  
11

12         3.74 Answering paragraph 3.74 of the FAC, defendant is without  
13 information or knowledge sufficient to form a belief as to the truth of said  
14 allegations, and therefore denies the same.  
15

16         3.75 Answering paragraph 3.75 of the FAC, defendant is without  
17 information or knowledge sufficient to form a belief as to the truth of said  
18 allegations, and therefore denies the same.  
19

20         3.76 Answering the first and second sentences of paragraph 3.76 of the  
21 FAC, defendant admits only to the existence of the Seattle Times article  
22 referenced therein, which speaks for itself as to content, and denies each and  
23 every other allegation of said sentences. Answering the third and fourth  
24 sentences of paragraph 3.76 of the FAC, defendant is without information or  
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3 knowledge sufficient to form a belief as to the truth of said allegations, and  
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5 therefore denies the same. Defendant denies that it "did not make any effort to  
6  
7 help the HOA leverage this incredible contribution" and denies that it refused  
8  
9 to cooperate "with the HOA to leverage these funds."

10 3.77 Answering paragraph 3.77 of the FAC, defendant admits only to  
11 the existence of the City of SeaTac ADA Transition Plan, dated April 27, 2018,  
12 which speaks for itself as to content, and denies each and every other allegation  
13 of said paragraph.

14 3.78 Answering paragraph 3.78 of the FAC, defendant admits only to  
15 the existence of an oral ruling by King County Superior Court Judge LeRoy  
16 McCullough on June 7, 2018, which speaks for itself as to content, and denies  
17 each and every other allegation of said paragraph.  
18

19 3.79 Answering paragraph 3.79 of the FAC, defendant admits only to  
20 the existence of an oral ruling by King County Superior Court Judge LeRoy  
21 McCullough on June 7, 2018, which speaks for itself as to content, and denies  
22 each and every other allegation of said paragraph.  
23

24 3.80 Answering paragraph 3.80 of the FAC, defendant admits only to  
25 the existence of a written order entered by King County Superior Court Judge  
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1  
2  
3 LeRoy McCullough on September 19, 2018, which speaks for itself as to  
4 content, and denies each and every other allegation of said paragraph.  
5

6 3.81 Answering paragraph 3.81 of the FAC, defendant denies the same.  
7

8 3.82 Answering the first sentence of paragraph 3.82 of the FAC, the  
9 term "pre-litigation tort claim" is not defined. With the understanding that the  
10 plaintiff intended to reference a "standard tort claim form," defendant admits  
11 that the plaintiff filed said form with defendant on February 13, 2019, which  
12 form speaks for itself as to content, and denies each and every other allegation  
13 of said sentence. Answering the second sentence of paragraph 3.82 of the  
14 FAC, defendant admits the same.  
15  
16

17 3.83 Answering the first and second sentence of paragraph 3.83 of the  
18 FAC, defendant admits the same. Answering the third sentence of paragraph  
19 3.83 of the FAC, defendant denies the same. Answering the fourth, fifth and  
20 sixth sentences of paragraph 3.83 of the FAC, defendant admits only that  
21 several parties involved in the mediation reached a settlement agreement,  
22 which speaks for itself as to content. Defendant denies each and every other  
23 allegation of said paragraph.  
24  
25  
26

#### 27 IV. Claims 28

29 DEFENDANT'S ANSWER AND  
30 AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 24

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1  
2  
3 4.1 Defendant repeats, realleges and incorporates by reference each of  
4 the foregoing answers.  
5

6 4.2 Answering paragraph 4.2 of the FAC, said paragraph sets forth  
7 general statements of law to which no response is required. To the extent a  
8 response is required, defendant admits only to the existence of the Washington  
9 Law Against Discrimination (the "WLAD"), codified at Wash. Rev. Code  
10 Chapter 49.60, which speaks for itself as to purpose and content, and denies  
11 each and every other allegation of said paragraph.  
12

13 4.3 Answering paragraph 4.3 of the FAC, said paragraph sets forth  
14 general statements of law to which no response is required. To the extent a  
15 response is required, defendant admits only to the existence of the WLAD and  
16 case law authority interpreting and applying the WLAD, including *Blackburn*  
17 *v. Dept. of Soc. & Health Services*, 186 Wn.2d 250, 375 P.3d 1076 (2016), and  
18 *Howell v. Dept. of Soc. & Health Services*, 7 Wn. App. 2d 899, 436 P.3d 368  
19 (2019), each of which speaks for itself as to content, and denies each and every  
20 other allegation of said paragraph.  
21

22 4.4 Answering paragraph 4.4 of the FAC, said paragraph sets forth  
23 general statements of law and legal argument to which no response is required.  
24

1  
2  
3 To the extent a response is required, defendant admits only to the existence of  
4 the WLAD and case law authority interpreting and applying the WLAD,  
5 including *Blackburn* and *Taylor v. Burlington Northern Railroad Holdings,*  
6 *Inc.*, 193 Wn.2d 611, 44 P.3d 606 (2019), each of which speaks for itself as to  
7 content, and denies each and every other allegation of said paragraph.  
8  
9

10 4.5 Defendant repeats, realleges and incorporates by reference each of  
11 the foregoing answers.  
12

13 4.6 Answering the first and second sentences of paragraph 4.6 of the  
14 FAC, defendant denies the same. Answering the third sentence of paragraph  
15 4.6 of the FAC, defendant admits only that it used City funds to review and re-  
16 translate portions of the relocation plan translated into Spanish and denies each  
17 and every other allegation of said sentence. Answering each and every other  
18 allegation in paragraph 4.6 of the FAC, defendant denies the same.  
19  
20

21 4.7 Defendant repeats, realleges and incorporates by reference each of  
22 the foregoing answers.  
23

24 4.8 Answering the first sentence of paragraph 4.8 of the FAC,  
25 defendant admits only to the existence of an oral ruling and written order by  
26 Judge McCullough, each of which speaks for itself as to content, and denies  
27  
28

29 DEFENDANT'S ANSWER AND  
30 AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 26

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1  
2  
3 each and every other allegation of said sentence. Answering each and every  
4  
5 other allegation in paragraph 4.8 of the FAC, defendant denies the same.

6 4.9 Defendant repeats, realleges and incorporates by reference each of  
7  
8 the foregoing answers.

9 4.10 Answering the first, second, third and fourth sentences of  
10  
11 paragraph 4.10 of the FAC, defendant admits only to the existence of an oral  
12  
13 ruling and written order by Judge McCullough, each of which speaks for itself  
14  
15 as to content, and denies each and every other allegation of said sentences.

16 Answering each and every other allegation in paragraph 4.10 of the FAC,  
17  
18 defendant denies the same.

19 4.11 Defendant repeats, realleges and incorporates by reference each of  
20  
21 the foregoing answers.

22 4.12 Answering the first sentence of paragraph 4.12 of the FAC,  
23  
24 defendant is without information or knowledge sufficient to form a belief as to  
25  
26 the truth of said allegations, and therefore denies the same. Answering each  
27  
28 and every other allegation in paragraph 4.12 of the FAC, defendant denies the  
29  
30 same.

1  
2  
3 4.13 Defendant repeats, realleges and incorporates by reference each of  
4 the foregoing answers.  
5

6 4.14 Answering paragraph 4.14 of the FAC, defendant denies the same.  
7

8 4.15 Defendant repeats, realleges and incorporates by reference each of  
9 the foregoing answers.

10 4.16 Answering paragraph 4.16 of the FAC, defendant denies the same.  
11

12 4.17 Defendant repeats, realleges and incorporates by reference each of  
13 the foregoing answers.

14 4.18 Answering paragraph 4.18 of the FAC, defendant is without  
15 information or knowledge sufficient to form a belief as to the truth of said  
16 allegations, therefore denies the same.  
17

18 4.19 Answering paragraph 4.19 of the FAC, said paragraph sets forth  
19 general statements of law to which no response is required. To the extent a  
20 response is required, defendant admits only to the existence of RCW 2.43.010,  
21 which speaks for itself as to content, and denies each and every other allegation  
22 of said paragraph.  
23

24 4.20 Answering the first sentence of paragraph 4.20 of the FAC, said  
25 sentence sets forth general statements of law to which no response is required.  
26  
27

28  
29 DEFENDANT'S ANSWER AND  
30 AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 28

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1  
2  
3 To the extent a response is required, defendant admits only to the existence of  
4  
5 RCW 2.43.020(3), which speaks for itself as to content, and denies each and  
6  
7 every other allegation of said sentence. Answering the second sentence of  
8  
9 paragraph 4.20 of the FAC, defendant denies the same.

10 4.21 Answering the first sentence of paragraph 4.21 of the FAC,  
11  
12 defendant denies the same. Answering the second sentence of paragraph 4.21  
13  
14 of the FAC, the term "SEPA materials" is not defined. To the extent said term  
15  
16 is intended to reference the threshold determination made by the City pursuant  
17  
18 to Wash. Rev. Code Ch. 43.21C, defendant admits only that the City did not  
19  
20 translate the threshold determination into Spanish and denied it had any  
21  
22 obligation or duty to do so. Defendant denies each and every other allegation  
23  
24 of said sentence. Answering the third sentence of paragraph 4.21 of the FAC,  
25  
26 defendant denies the same.

27 4.22 Answering paragraph 4.22 of the FAC, defendant admits only to  
28  
29 the existence of statements by Councilmembers Anderson and Campell at the  
30  
October 25, 2016, SeaTac City Council meeting, each of which speaks for  
itself, and denies each and every other allegation of said paragraph.

1  
2  
3 4.23 Answering the first two sentences of paragraph 4.23 of the FAC,  
4  
5 said sentences contain general statements of law to which no response is  
6  
7 required. To the extent a response is required, the case law authority cited  
8  
9 therein speaks for itself as to content. Defendant denies each and every other  
10  
11 allegation of said sentences. Answering the third sentence of paragraph 4.23 of  
12  
13 the FAC, defendant denies the same.

14 4.24 Answering paragraph 4.24 of the FAC, defendant denies the same.

15 4.25 Defendant repeats, realleges and incorporates by reference each  
16  
17 of the foregoing answers.

18 4.26 Answering paragraph 4.26 of the FAC, defendant denies the same.

19 4.27 Defendant repeats, realleges and incorporates by reference each  
20  
21 of the foregoing answers.

22 4.28 Answering the first sentence of paragraph 4.28 of the FAC, said  
23  
24 sentence makes general statements of law to which no response is required. To  
25  
26 the extent a response is required, defendant admits only to the existence of  
27  
28 SMC § 15.465.600.H, which speaks for itself as to content, and denies each  
29  
30 and every other allegation of said paragraph. Answering the second sentence  
of paragraph 4.28 of the FAC, defendant is without information or knowledge

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2  
3 sufficient to form a belief as to the truth of said allegations, and therefore  
4 denies the same. Answering each and every other allegation of paragraph 4.28  
5 of the FAC, defendant denies the same.  
6

7 4.29 Defendant repeats, realleges and incorporates by reference each of  
8 the foregoing answers.  
9

10 4.30 Answering paragraph 4.30 of the FAC, defendant denies the same.  
11

12 4.31 Defendant repeats, realleges and incorporates by reference each of  
13 the foregoing answers.

14 4.32 Answering paragraph 4.32 of the FAC, defendant denies the same.  
15

16 4.33 Defendant repeats, realleges and incorporates by reference each of  
17 the foregoing answers.

18 4.34 Answering the first sentence of paragraph 4.34 of the FAC, said  
19 sentence makes general statements of law to which no response is required. To  
20 the extent a response is required, defendant admits only to the existence of  
21 RCW 49.60.222, which speaks for itself as to content, and denies each and  
22 every other allegation of said sentence. Answering each and every other  
23 allegation of paragraph 4.34 of the FAC, defendant denies the same.  
24  
25  
26  
27  
28

4.35 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.36 Answering paragraph 4.36 of the FAC, defendant denies the same.

4.37 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.38 Answering the first, second, third and fourth sentences of paragraph 4.38 of the FAC, defendant admits only to the existence of an oral ruling and written order by Judge McCullough, each of which speaks for itself as to content, and denies each and every other allegation of said sentences.

Answering each and every other allegation in paragraph 4.38 of the FAC, defendant denies the same.

4.39 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.40 Answering the first sentence of paragraph 4.40 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, and therefore denies the same. Answering each and every other allegation in paragraph 4.40 of the FAC, defendant denies the same.



4.41 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.42 Answering paragraph 4.42 of the FAC, defendant denies the same.

4.43 Defendant repeats, realleges and incorporates by reference each of the foregoing answers.

4.44 Answering paragraph 4.44 of the FAC, defendant is without information or knowledge sufficient to form a belief as to the truth of said allegations, therefore denies the same.

4.45 Answering paragraph 4.45 of the FAC, defendant admits only to the existence of interlocal agreements with King County, each of which speaks for itself as to content. Paragraph 4.45 does not reference any specific contract by date or subject matter and defendant is therefore without information or knowledge sufficient to form a belief as to whether any particular contract or agreement with King County obligates it to comply with federal LEP policies and procedures, and therefore denies the same.

4.46 Answering the first sentence of paragraph 4.46 of the FAC, said sentence makes general statements of law to which no response is required. To the extent a response is required, defendant admits only to the existence of

1  
2  
3 guidance from the federal government concerning Title VI, including guidance  
4  
5 at 72 Fed. Reg. 2732, 2751, which speaks for itself as to content, and denies  
6  
7 each and every other allegation of said sentence. Answering the second  
8  
9 sentence of paragraph 4.46 of the FAC, defendant denies the same.

10  
11 4.47 Answering paragraph 4.47 of the FAC, said sentence makes  
12  
13 general statements of law to which no response is required. To the extent a  
14  
15 response is required, defendant admits only to the existence of guidance from  
16  
17 the federal government concerning Title VI, including guidance at 72 Fed. Reg.  
18  
19 2732, 2751, which speaks for itself as to content, and denies each and every  
20  
21 other allegation of said paragraph.

22  
23 4.48 Answering paragraph 4.48 of the FAC, defendant denies the same.

24  
25 4.49 Answering paragraph 4.49 of the FAC, defendant admits only to  
26  
27 the existence of statements by Councilmembers Anderson and Campbell at the  
28  
29 October 25, 2016, SeaTac City Council meeting, each statement of which  
30  
speaks for itself, and denies each and every other allegation of said paragraph.

4.50 Answering paragraph 4.50 of the FAC, said sentence makes  
general statements of law to which no response is required. To the extent a  
response is required, defendant admits only to the existence of case law

1  
2  
3 authority, including *Almendares v. Palmer*, 284 F. Supp. 2d 79 (N.D. Ohio  
4 2003), which speaks for itself as to content, and denies each and every other  
5 allegation of said paragraph.  
6

7         4.51 Answering the first sentence of paragraph 4.51 of the FAC,  
8  
9 defendant denies the same. Answering the second sentence of paragraph 4.51  
10 of the FAC, said sentence makes general statements of law to which no  
11 response is required. To the extent a response is required, defendant admits  
12 only to the existence of federal legislation, which speaks for itself as to content,  
13 and denies each and every other allegation of said sentence.  
14

15         4.52 Defendant repeats, realleges and incorporates by reference each of  
16 the foregoing answers.  
17

18         4.53 Answering paragraph 4.53 of the FAC, defendant denies the same.  
19

20         4.54 Defendant repeats, realleges and incorporates by reference each of  
21 the foregoing answers.  
22

23         4.55 Answering paragraph 4.55 of the FAC, defendant denies the same.

24         4.56 Defendant repeats, realleges and incorporates by reference each of  
25 the foregoing answers.  
26

27  
28  
29 DEFENDANT'S ANSWER AND  
30 AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
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1  
2  
3 4.57 Answering the first and second sentences of paragraph 4.57 of the  
4  
5 FAC, defendants deny the same. Answering the third sentence of paragraph  
6 4.57 of the FAC, said sentence makes general statements of law to which no  
7  
8 response is required. To the extent a response is required, defendant admits  
9 only to the existence of federal legislation, including 42 U.S.C. § 3608, which  
10 speaks for itself as to content, and denies each and every other allegation of  
11  
12 said paragraph.

13 4.58 Answering the first sentence of paragraph 4.58 of the FAC,  
14  
15 defendant admits only to the existence of contracts and agreements with King  
16  
17 County, each of which speaks for itself as to content, and denies each and  
18  
19 every other allegation of said sentence. Answering the second, third and fourth  
20 sentences of paragraph 4.58 of the FAC, said sentences make general  
21  
22 statements of law to which no response is required. To the extent a response is  
23  
24 required, defendant admits only to the existence of federal law and regulation,  
25  
26 including Title 24 of the Code of Federal Regulations, which speaks for itself  
27  
28 as to content, and denies each and every other allegation of said sentences.

29 4.59 Answering paragraph 4.59 of the FAC, said paragraph makes  
30  
general statements of law to which no response is required. To the extent a

1  
2  
3 response is required, defendant admits only to the existence of federal law and  
4 authority, including 24 C.F.R. § 100.500 and *Griggs v. Duke Power Co.*, 401  
5 U.S. 424 (1971), which speaks for itself as to content, and denies each and  
6 every other allegation of said paragraph.  
7  
8

9 4.60 Answering the first sentence of paragraph 4.60 of the FAC,  
10 defendant denies the same. Answering the second sentence of paragraph 4.60  
11 of the FAC, defendant admits only to the existence of its Comprehensive Plan,  
12 which speaks for itself as to content, and denies each and every other allegation  
13 of said sentence. Answering the third sentence of paragraph 4.60 of the FAC,  
14 defendant denies the same.  
15  
16

17 4.61 Answering paragraph 4.61 of the FAC, defendant denies the same.  
18

19 4.62 Answering paragraph 4.62 of the FAC, defendant denies the same.  
20

## 21 **V. Damages**

22 5.1. Answering paragraph 5.1 of the complaint, defendant denies the  
23 same.  
24

## 25 **VI. Plaintiff's Request For Relief**

26  
27  
28  
29 DEFENDANT'S ANSWER AND  
30 AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 37

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6.1. Answering paragraph 6.1 of the complaint, including all subparts thereto, defendant denies the same, and further denies that plaintiff is entitled to any of the relief sought therein.

6.2. Except to the extent specifically admitted above, defendant denies all remaining allegations of the complaint.

## **VII. Affirmative Defenses**

By way of further answer and its first affirmative defenses, defendant City of SeaTac alleges as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred in whole or in part by justification, privilege, and or legislative immunity and/or other forms of immunity in favor of defendant's actions in furtherance of its rights and obligations under the law, and plaintiff's claims are contrary to public policy.
3. Some or all of plaintiff's claims are barred by res judicata or collateral estoppel (claim and/or issue preclusion).
4. Plaintiff lacks standing.

5. Some or all of plaintiff's claims are barred under the doctrines of laches, waiver, or unclean hands.

6. Plaintiff's claims are barred by applicable statutory definitions in the laws upon which plaintiff's claims are based because the complained-of allegations are not within the scope of said statutes.

7. Plaintiff's claims are barred under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and its progeny because defendant possesses legitimate non-discriminatory grounds for all actions challenged by plaintiff herein.

8. Plaintiff's claims are barred because they arise out of improper claim splitting, circuitry of action, and the prior pending action styled *Medina et al. v. City of SeaTac et al.*, King County Superior Court case number 17-2-07094-7 KNT.

9. Some or all of plaintiff's claims are barred by the applicable statute of limitations.

10. Some or all of plaintiff's claims are not ripe.

### **IX. Prayer for Relief**

DEFENDANT'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 39

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WHEREFORE, defendant having fully answered plaintiff's complaint and having asserted its affirmative defenses, prays as follows:

1. For dismissal of plaintiff's complaint with prejudice;
2. For an award of all reasonable costs and reasonable attorneys' fees incurred herein as may be recovered by applicable law;
3. For such other and further relief as the Court deems just and equitable.

DATED THIS 1<sup>st</sup> day of November, 2019.

s/ KENNETH W. HARPER  
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DEFENDANT'S ANSWER AND  
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FIRST AMENDED COMPLAINT  
NO. 2:19-cv-01130-RSL - 40

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2019, I filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

V. Omar Barraza	<a href="mailto:omar@barrazalaw.com">omar@barrazalaw.com</a>
Christina L. Henry	<a href="mailto:chenry@hdm-legal.com">chenry@hdm-legal.com</a>
Ms. Mary E. Mirante Bartolo	<a href="mailto:mmbartolo@seatacwa.gov">mmbartolo@seatacwa.gov</a>
Mr. Mark S. Johnsen	<a href="mailto:mjohnsen@seatacwa.gov">mjohnsen@seatacwa.gov</a>

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/ KENNETH W. HARPER  
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DEFENDANT'S ANSWER AND  
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NO. 2:19-cv-01130-RSL - 41

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